

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Robert Dow, Jr.	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	10 C 7696	DATE	1/26/2011
CASE TITLE	In Re: Boliaux		

DOCKET ENTRY TEXT

For the reasons stated below, the unopposed joint motion of Manheim Automotive Financial Services, Inc. and Automotive Finance Corporation to reassign and consolidate certain bankruptcy appeals [7] is granted. Case No. 10-cv-8096 will be reassigned from Judge St. Eve's docket to this Court's docket under Local Rules 40.3.1(d) and 40.4. In addition, Case Nos. 10-cv-7696, 10-cv-7729, and 10-cv-8096 will be consolidated pursuant to Rule 42(a). Briefing in the consolidated appeals will proceed as follows: Appellant's brief of no more than 30 pages will be due on 2/10/2011; Appellees' brief(s) of no more than 30 pages will be due on 3/14/2011; Appellant's reply brief(s) of no more than 15 pages will be due on 3/28/2011. The Court will issue a ruling on the consolidated appeals by mail. Please see below for further details.

■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

Before the Court is the joint motion [7] of Manheim Automotive Financial Services, Inc. and Automotive Finance Corporation to reassign and consolidate certain bankruptcy appeals. *Pro se* appellant in all three appeals, Edward Boliaux, appeared for the hearing on the motion and does not oppose the motion. Two of the appeals (Case Nos. 10-cv-7696 and 10-cv-7729) already are pending before this Court. The third appeal (Case No. 10-cv-8096) is pending before Judge St. Eve.

The criteria for relatedness under Local Rules 40.3.1(d) and 40.4(a) are satisfied as the cases involve some of the same issues of law or fact and grow out of the same transaction or occurrence. The conditions for reassignment under Local Rule 40.4(b) also are met as all three cases are pending in the Northern District of Illinois, they are at an early stage, they arise out of the same underlying bankruptcy case, the reassignment and consolidation of the appeals will result in a substantial savings of judicial time and effort as well as efficiencies for the parties, and the appeals are susceptible of being disposed in a single opinion.

In addition, the criteria for consolidation under Fed. R. Civ. P. 42(a) are satisfied: the appeals involved the same record, have substantial common questions of fact and law, and are based on the same series of transactions and occurrences. Accordingly, the joint motion to reassign and consolidate is granted. Case No. 10-cv-8096 will be reassigned from Judge St. Eve's docket to this Court's docket under Local Rules 40.3.1(d) and 40.4, and Case Nos. 10-cv-7696, 10-cv-7729, and 10-cv-8096 will be consolidated pursuant to Rule 42(a).

STATEMENT

As discussed on the record at the hearing on the motion, briefing in the consolidated appeals will proceed as follows: Appellant's brief of no more than 30 pages will be due on 2/10/2011; Appellees' brief(s) of no more than 30 pages will be due on 3/14/2011; Appellant's reply brief(s) of no more than 15 pages will be due on 3/28/2011. If Appellees chose to file separate briefs, each brief will be limited to 15 pages. If Appellees file separate briefs, Appellant may file separate reply briefs and may also request leave for additional pages in his reply brief or briefs. The Court will issue a ruling on the consolidated appeals by mail.